

REFERENCE TITLE: private firearm transactions; prohibited encumbrances

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2224

Introduced by
Representatives Lawrence, Borrelli, Cobb, Gowan, Kern, Thorpe, Senator
Kavanagh: Representatives Allen J, Barton, Finchem, Leach, Rivero, Shope,
Senators Burges, Farnsworth D

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 36; RELATING
TO PRIVATE FIREARM TRANSACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding
3 chapter 36, to read:

4 CHAPTER 36
5 PRIVATE FIREARM TRANSACTIONS
6 ARTICLE 1. GENERAL PROVISIONS

7 44-7851. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "FIREARM":

10 (a) MEANS ANY LOADED OR UNLOADED HANDGUN, PISTOL, REVOLVER, RIFLE,
11 SHOTGUN OR OTHER WEAPON THAT WILL EXPEL OR THAT IS DESIGNED TO OR MAY READILY
12 BE CONVERTED TO EXPEL A SOLID PROJECTILE BY THE ACTION OF EXPANDING GASES.

13 (b) DOES NOT INCLUDE A FIREARM THAT IS:

14 (i) IN A PERMANENTLY INOPERABLE CONDITION, WAS MANUFACTURED AFTER
15 JANUARY 1, 1899 AND IS DESIGNED TO USE FIXED CARTRIDGES.

16 (ii) INCAPABLE OF BEING FIRED WITHOUT MECHANICAL REPAIR BY THE USE OF
17 TOOLS OR THE REPLACEMENT OF PARTS.

18 2. "PRIVATE PARTY" MEANS A PERSON WHO MAY LAWFULLY POSSESS FIREARMS
19 UNDER FEDERAL LAW AND DOES NOT INCLUDE A PERSON WHO POSSESSES A FEDERAL
20 FIREARMS LICENSE AND WHO PRIMARILY ENGAGES IN THE BUSINESS OF SELLING,
21 TRADING OR PURCHASING FIREARMS.

22 3. "TRANSFER" MEANS WHEN A PERSON GIVES, LOANS, OFFERS FOR SALE, WILLS
23 OR IN ANY MANNER OFFERS ANOTHER PERSON A FIREARM FOR ANY LAWFUL PURPOSE AND
24 THE PERSON IS NOT OTHERWISE PROHIBITED FROM POSSESSING A FIREARM UNDER
25 FEDERAL LAW.

26 44-7852. Private party firearms transfer: state or political
27 subdivision encumbrance prohibited

28 THE TRANSFER OF A FIREARM BETWEEN TWO PRIVATE PARTIES WHO ARE OTHERWISE
29 ALLOWED TO POSSESS A FIREARM UNDER FEDERAL LAW IS NOT SUBJECT TO ANY
30 ADDITIONAL FEE, TAX, ASSESSMENT, LIEN OR OTHER ENCUMBRANCE BY THIS STATE OR
31 ANY POLITICAL SUBDIVISION OF THIS STATE.